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April 18, 2018

By ECF

Honorable Sanket J. Bulsara
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Benitez v. City of New York, et al.*
Dkt. No. 17-cv-03827 (SJ)(SJB)

Dear Judge Bulsara:

With leave of the court granted yesterday, Plaintiff submits the following additional case citations which address the issue, raised in Defendants' reply brief, of whether the three-part test cited in Defendants' opening memorandum (requiring, *inter alia*, a "strong showing"), or the more lenient standard of "not unfounded in the law" suggested in Defendants' reply memorandum, should be applied:

- *Mirra v. Jordan*, No. 15CV4100ATKNF, 2016 WL 889559, at *2 (S.D.N.Y. Mar. 1, 2016 (Fox, M.J.))
- *Hong Leong Fin. Ltd. (Singapore) v. Pinnacle Performance Ltd.*, 297 F.R.D. 69, 72 (S.D.N.Y. 2013) (Gorenstein, M.J.)
- *Bachayeva v. Americare Certified Special Servs., Inc.*, No. 12-CV-1466 RRM SMG, 2013 WL 4495672, at *4 (E.D.N.Y. Aug. 20, 2013) (Mauskopf, D.J.)
- *Hollins v. U.S. Tennis Ass'n*, 469 F. Supp. 2d 67, 78 (E.D.N.Y. 2006) (Go, M.J.)
- *In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007)
- *U.S. S.E.C. v. Citigroup Global Mkts. Inc.*, 673 F.3d 158, 162-63 (2d Cir. 2012) (cited by *Hong Leong, supra*)

Plaintiff also notes that the *Negrete* case, upon which Defendants rely in support of their argument that the "not unfounded in law" standard should apply, also cites as the applicable standard the three-part test requiring a "strong showing." *Negrete v. Citibank, N.A.*, No. 15 CIV. 7250 (RWS), 2015 WL 8207466 (S.D.N.Y. Dec. 7, 2015) (Sweet, D.J.).

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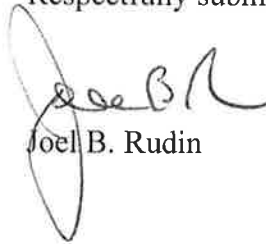
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Thank you for Your Honor's consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel B. Rudin", is written over a large, faint, circular watermark or stamp.

Joel B. Rudin

cc: Erin Ryan, Esq. (by ECF)
Assistant Corporation Counsel
Counsel for Defendants